

REMARKS

The examiner requested that the applicants amend the specification with a Related Application section including United States Application Number, or United States Patent Number if so issued, the filing dates, and titles of those Applications or Patents.

The application includes claims 7-26 prior to entering this amendment.

The examiner rejected claims 7-26 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention.

The examiner rejected claims 20-24 under 35 U.S.C. § 102(e) as being anticipated by Drottar, *et al.* (U.S. Patent 6,094,683).

The examiner stated that claims 7-19, 25, and 26 are allowable.

The applicants amend claims 7, 20 and 24. The applicants add new claims 27 and 28.

The application remains with claims 7-28 after entering this amendment.

The applicants make the above amendments without prejudice or disclaimer. The applicants make the amendments to delineate more clearly intended subject matter. Accordingly, the applicants do not intend to surrender claimed subject matter by submission of the above amendments and do not add new matter. The applicants respectfully request reconsideration of the above referenced patent application in view of the following remarks.

Specification

The applicants amend paragraph 1 to add patent titles to the application's priority information.

Claim Rejections Under 35 U.S.C. § 112

The applicants amend claims 7, 20 and 24 to obviate the examiner's rejections under §112.

The applicants have made a good faith effort to correct all other instances where the claims failed to recite proper antecedent and respectfully request that the examiner withdraw the rejections of claims 7-26 on this basis.

Allowable Subject Matter

The applicants gratefully acknowledge that the examiner concluded claims 7-19, 25 and 26 are allowable and respectfully request that the examiner withdraw the rejections of claims 7-19, 25, and 26.

Claim Rejections under 35 U.S.C. § 102

The examiner rejects claims 20-24 as old over Drottat. Applicants respectfully traverse the examiner's rejections for at least the reasons explained herein and respectfully request that the examiner withdraw the rejection of claims 20-24 for these reasons.

Claim 20, as amended, recites "accessing a database to retrieve connection characteristic information relating to the *complete first communication link*." Nothing in Drottat teaches "accessing a database to retrieve connection characteristic information relating to the *complete first communication link*." The disclosure of Drottat only discloses accessing "a network topology database that describes the topology of nodes and available links ... to identify the nodes in the network and the links existing between the nodes."¹ Accordingly, the topology database of Drottat does not provide connection information related to a *specific complete* communication link (e.g., the first communication link). Rather, the information in the topology database of Drottat determines whether bundling of links between particular nodes in a network is feasible.² Therefore claim 20 is patentably distinguishable from Drottat.

Additionally, amended claim 20 recites, "the connection characteristic information *stored in the database after completing the first communication link and before completing a second communication link* from the source client." In the current application, information relating to a *complete communication link that is currently in existence* is contemporaneously stored in the database and accessible for use in routing decisions. In contrast, Drottat merely discloses the possibility of constructing the topology database by a system administrator based on analysis of certain state conditions such as, whether both nodes should support bundling, whether multiple links are provided, and whether bundling is a desired configuration.³ The construction of a topology database based on such state conditions does not disclose storing "connection characteristic information... *in the database after completing the first communication link and*

¹ See, Drottat column 5, lines 40-41 and 54-62.

² See, Drottat column 5, lines 54-62.

³ See, Drottat column 5, lines 45-62.

before completing a second communication link.” Moreover, the connection characteristic information stored by the database disclosed in claim 20 of the current application makes accessible certain information that can only be ascertained after the connection is complete, such as, whether a multi-link protocol has been initiated or whether there are multiple links between the same originating and terminating clients with no intervening disconnect messages.⁴ Therefore, claim 20 is patentably distinguishable from Drottar and should be allowed.

Further, Claim 20, as amended recites “routing the second communication link responsive to the connection characteristic information *without interrupting the first communication link.*” Drottar specifically requires that in response to network congestion, the fabric manager 120 halts communications to establish the bundled link.⁵ Therefore, Drottar does not teach routing the second communication link *without interrupting the first communication link*, as recited in claim 20.

In the current office action on page 7, section 16(e), the examiner notes that that the second communication link cannot interrupt the first communication link if it has been halted. Claim 20 is currently amended to correct the inconsistency and as noted above to obviate the examiner’s rejections under §112. Therefore claim 20 is patentably distinguishable from Drottar and should be allowed.

For at least these reasons, claim 20 and its dependent claims, 21-24, are allowable over Drottar and the the applicants request allowance.

The applicants believe that the claimed subject matter is patentably distinguishable from Drottar for additional reasons; however, because the forgoing is believed to be sufficient, the applicants choose to omit them at this time. Likewise, the applicants’ failure to comment directly upon any of the positions asserted by the examiner in the current office action does not indicate agreement or acquiescence with those asserted positions. Rather, the examiner's positions are rendered moot by the foregoing and, therefore, it is not necessary to respond to every position taken by the examiner with which the applicants’ do not agree

⁴ See, Specification, page 8, lines 11-14, page 9, lines 27-34, and page 10, lines 2-6.

⁵ See, Drottar column 7, lines 23-26.

New claims

The applicants submit new claims 27-28 that depend from claim 20 and distinguish from Drottar on at least the same or similar basis as claim 20. Additionally, the specification supports the new claims 27-28 in various portions.⁶

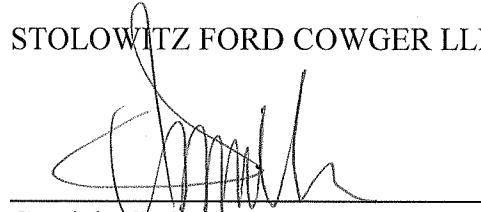
Conclusion

For the foregoing reasons, the applicants request reconsideration and allowance of claims 7-28. The applicants encourage the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing prosecution.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP

A handwritten signature in black ink, appearing to read 'Graciela G. Cowger', is written over a horizontal line.

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⁶ E.g., Specification, page 7, lines 9-11, page 8, lines 31-33, and page 9, lines 24-27.